

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No.: 1:23-cv-00320
)	
\$40,000.00 UNITED STATES CURRENCY,)	
)	
Defendant.)	

COMPLAINT OF FORFEITURE IN REM

The United States of America, by counsel, Zachary A. Myers, United States Attorney for the Southern District of Indiana, and Kelly Rota, Assistant United States Attorney, files its Complaint of Forfeiture in Rem pursuant to Supplemental Rules for Admiralty, Maritime, and Asset Forfeiture Claims G(2), and alleges on information and belief as follows:

NATURE OF THE CLAIM

1. The United State of America (the “United States”) has commenced this action pursuant to the civil forfeiture provisions of 21 U.S.C. §§ 881 and 18 U.S.C. 981(a), seeking forfeiture of the Defendant property based on violations of 21 U.S.C. § 801 *et seq.*

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1345 (district courts have original jurisdiction of all civil action commenced by the United States) and § 1355 (district courts have original jurisdiction of any action for forfeiture).

3. This Court has *in rem* jurisdiction over the Defendant Property pursuant to 28 U.S.C. § 1355(b) (forfeiture can be brought in a district in which any of the acts giving rise to the

forfeiture occurred), and Rule G(3)(b)(i) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions (clerk must issue a warrant to arrest property in the government's possession).

4. This Court is the appropriate venue in this matter pursuant to 21 U.S.C § 888 (j) and 28 U.S.C. § 1395, in that the forfeiture accrued in the Southern District of Indiana, and the Defendant Property is now, and during the pendency of this action will be, found within the Southern District of Indiana.

DEFENDANT

5. The Defendant is forty thousand dollars in United States Currency (“\$40,000.00,” or “Defendant Property”) (Asset Identification Number 21-CBP-000403).

FACTS

6. On November 4, 2020, officers with the Homeland Security Investigation Parcel/Bulk Cash Smuggling Interdiction Task Force, comprised of the Indiana State Police (“ISP”), the Indianapolis Metropolitan Police Department (“IMPD”), and the Department of Homeland Security, Homeland Security Investigations (“DHS-HSI”), conducted a parcel/bulk cash smuggling interdiction operation at a parcel shipping company hub based in Indianapolis, Indiana.

7. Parcel/bulk cash smuggling interdiction operations are conducted because it is common for smugglers and individuals involved in controlled substance trafficking to transport illegal controlled substances and their proceeds through shipping companies. Shipping companies are advantageous to the smugglers because they provide the benefits of faster delivery, predictable delivery dates, package tracking, and delivery confirmation. Because of the commonality of this practice, task force officers are trained to identify indicators of suspicious

packages. Suspicious packages are typically sent via overnight priority shipping and paid for with cash. Smugglers will often use addresses, telephone numbers, or names that are falsified or incomplete. Packages sent to known source states for illegal controlled substances (e.g., Texas, Arizona, California) draw suspicions, as do parcels sent from individual to individual, from non-business sender to non-business receiver, and from residence to residence. The use of excessive tape and layers of packaging is an attempt to undermine detection by narcotic detection canines by masking or preventing the odor of controlled substances from emitting from the package. Unlike legitimate business items or personal gifts – which typically contain notes, letters, receipts, cards, or coupons with the cash or monetary instrument – narcotics traffickers rarely include any type of instructions with the proceeds.

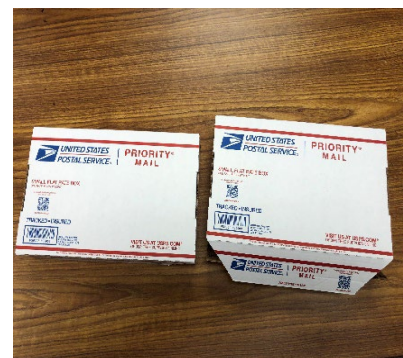
8. During the course of this operation, two packages being shipped by a parcel service with shipping labels attached reflecting tracking numbers of 7719 8304 5292 and 7719 8306 0866 (“Parcels 5292 and 0866” or the “Packages”), were identified as suspicious. Parcels 5292 and 0866 were addressed to Rack Geeks, c/o FedEx Office Wilshire, 2300 Wilshire Blvd., Ste. 102, Santa Monica, California, with phone number XXX-XXX-2300. The sender was identified as Michael Ceparano, 107 N. 11th Street, Tampa, Florida, with phone number XXX-XXX-2300.

9. Parcels 5292 and 0866 drew the attention of officers and were deemed suspicious for several reasons. First, Parcels 5292 and 0866 were new parcel boxes with extra external tape. Parcels 5292 and 0866 were sent using priority overnight shipping and paid by sender, by unknown means, at parcel drop off site (UPS store). The parcels were shipped from an individual to a non-verifiable business name with no individual associated to it. The parcels were shipped to a FedEx store from a residence. The parcels were shipped to a source state (California).

10. A certified drug detection canine, handled by an IMPD officer, inspected Parcels 5292 and 0866 and other packages. The drug detection canine indicated there was a controlled substance odor emitting from Parcels 5292 and 0866. The drug detection canine has been certified for over two years and has been trained and certified in the detection, by odor, of marijuana, cocaine, crack cocaine, heroin, MDMA, and methamphetamine.

11. IMPD officers applied for a search warrant to inspect Parcels 5292 and 0866 based on the suspicious nature of the package and the certified drug detection canine's positive indication. On November 4, 2020, a Marion County Superior Court judge granted the search warrant upon a finding of probable cause.

12. On November 4, 2020, Task Force Officers executed the search warrant and opened Parcels 5292 and 0866. Officers found that parcels 5292 and 0866 were sealed new parcel boxes with extra external tape. Inside the external box of Parcels 5292 and 0866 was another sealed box, and inside that, a third sealed box containing dryer sheets and two layers of sealed plastic bags containing bundles of cash. Each parcel contained \$20,000.00 in cash. As discussed in Paragraph 7 above, multi-layered packaging methods are commonly used by smugglers to attempt to mask the presence of the odor of a controlled substance.





13. After the parcels were opened, officers used the certified drug detection canine to conduct a blind search on the currency. The certified drug detection canine gave a positive indication of narcotic odor, indicating that the \$40,000.00 possessed the threshold-controlled substance contamination. The certified drug detection canine is trained not to detect uncontaminated currency.

14. As there was probable cause to seize the currency for violations of federal and state-controlled substance laws, the \$40,000.00 was seized and taken into custody by ISP. The currency was converted to a cashier's check and remained in the custody of ISP pending the signing of a turnover order by a Marion County Superior Court judge in Indianapolis, Indiana.

15. Federal agents and analysts conducted background research on the information listed for the sender and receiver of Parcels 5292 and 0866. The sender Michael Ceparano was not associated with the 107 N. 11th St., Tampa, Florida address. The address is associated with a number of residences and an UPS store. The telephone number on the shipping label also was not associated with the sender.

16. The recipient, Rack Geeks, could not be identified, and the telephone number on the shipping label was not associated with Rack Geeks.

17. On April 20, 2021, a Marion County Superior Court judge issued an order transferring the Defendant Property to the appropriate federal authority. *See* Marion County Superior Court, Civil Division, Cause Number 49D12-2011-MI-039866. The Defendant Property was transferred from ISP to DHS-HSI on May 24, 2021, and from DHS-HSI to DHS-CBP on May 25, 2021.

18. DHS-CBP sent notice to the sender and recipient on July 22, 2021, to address the matter through administrative proceedings. The notice letters requested a response within 30 days, after which the matter would likely be referred to the United States Attorney's Office for review. DHS-CBP confirmed both letters were delivered via the United Parcel Service to the sender and recipient addresses. To date, neither Michael Cerparano nor Rack Geeks have contacted DHS-CBP.

19. It is against Federal Express policy, as stated on its website, to ship cash via Federal Express. *See* FedEx Freight FFXF 100 Series Rules Tariff, *available at* https://www.fedex.com/content/dam/fedex/us-united-states/services/FFXF_100_Series_Rules_Tariff.pdf

PERTINENT STATUTES

20. Under 21 U.S.C. § 841 (a)(1), it shall be unlawful for any person to knowingly or intentionally to manufacture, distribute, dispense, or possess with intent to manufacture, distribute, or dispense a controlled substance.

21. Under 21 U.S.C. § 881 (a)(6), all moneys furnished or intended to be furnished by any person in exchange for a controlled substance, all proceeds traceable to such an exchange, and all moneys used or intended to be used to facilitate any violation of the Controlled Substance Act, including 21 U.S.C. § 841 (a)(1), shall be subject to forfeiture to the United States, and no

property right shall exist in them. Pursuant to 21 U.S.C. § 881 (a)(6), the Defendant Currency is subject to forfeiture because it constitutes: (1) money, furnished or intended to be furnished in exchange for a controlled substance in violation of the Controlled Substance Act, 21 U.S.C. § 841 and 846; (2) proceeds traceable to such an exchange; and (3) money intended to be used to facilitate any violation of the Controlled Substances Act.

CLAIM FOR RELIEF

22. Based on the factual allegation set forth above, the Defendant Property is, “moneys...furnished or intended to be furnished by any person in exchange for a controlled substance,” and/or “proceeds traceable to such an exchange,” and/or “moneys...used or intended to be used to facilitate any violations of the Controlled Substance Act, 21 U.S.C. § 841 and 846. Consequently, the Defendant Property is forfeitable to the United States pursuant to 18 U.S.C. § 981(a)(1)(A) and 21 U.S.C. § 881 (a)(6).

WHEREFORE, the United States prays that the Clerk of the Court issue a warrant for the arrest of the Defendant Property pursuant to Rule G(3)(b)(i) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions; that due notice be given to all

parties to appear and show cause why the forfeiture should not be decreed; that judgment be entered declaring the Defendant Property forfeited to the United States for disposition according to law; and that the United States be granted any relief this court deems just and proper.

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VERIFICATION

I, S/A Jonathan Cotteleer, hereby verify and declare under penalty of perjury that I am a Special Agent for Homeland Security Investigations ("HSI"), that I have read the foregoing Verified Complaint in Rem and know the contents thereof, and that the matters contained in the Complaint are true to my own knowledge, except that those matters herein stated to be alleged on information and belief, and as to those matters I believe to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement offices, as well as my investigation of this case, together with others, as a Special Agent with HSI.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

Dated: 2/21/2023



Special Agent, HSI